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PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 30th December 1965

G.S.R. 1896.—In exercise of the powers conferred by Section 3 of the Goa, Daman and Diu (Absorbed Employees) Act, 1965, the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules, may be called the Goa, Daman and Diu (Absorbed Employees Conditions of Service) Rules, 1965.

(2) Rule 15 shall be deemed to have come into force on the 20th day of December, 1961, rule 9 shall be deemed to have come into force on the 1st day of November, 1963, and all other rules shall come into force on the 15th day of February 1966.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa, Daman and Diu (Absorbed Employees) Act, 1965;

(b) "Administrator" means the administrator of the Union Territory appointed by the President under article 239 of the Constitution;

(c) "appointed day" means the 1st day of February, 1966;

(d) "Central rules" means the rules relating to conditions of service

generally applicable to persons appointed to the Central Civil Services;

(e) "existing pay" means the pay admissible to an absorbed employee immediately before the appointed day by way of basic pay and shall include complementary pay and the charge allowance granted under rule 15;

(f) "absorbed employee" means an absorbed employee as defined in clause (a) of section 2 of the Act and who on the appointed day is serving either in connection with the administration of the Union Territory or in any department of the Central Government;

Explanation.—Persons who were under orders of transfer from Goa, Daman and Diu and were in transit on the 20th December, 1961 to take up employment in any Portuguese colony but returned to the Union Territory after that date instead of joining their new posts and were allowed to continue in service shall, if they are serving in connection with administration of the Union Territory or in any department of the Central Government on the appointed day, be deemed to be absorbed employees for the purpose of these rules.

(g) "absorbed post" means an absorbed post as defined in clause (b) of section 2 of the Act, which is in existence on the appointed day either for the purpose of Administration of the Union Territory or any department of the Central Government;

(h) "Union territory" means the Union territory of Goa, Daman and Diu.

3. **Revision of rates of pay of absorbed posts.**—As from the appointed day, every absorbed post shall be brought on such revised scale of pay as the Central Government, or the Administrator with the prior approval of the Central Government, may by order determine.

4. **Fixation of pay in the revised scale.**—(1) The initial pay of an absorbed employee holding an absorbed post on the appointed day shall, as from that day, be fixed in the revised scale of pay of that post at a stage next higher to his existing pay:

Provided that if the existing pay of an absorbed employee exceeds the maximum of the revised scale of pay, the initial pay of such employee shall be fixed at such maximum and the difference between the two shall be granted to him as personal pay.

Explanation.—For the purposes of this sub-rule, a person who would have held an absorbed post on the appointed day—

(a) but for his appointment to a post created on or after the 20th December, 1961, or

(b) but for his being—

(i) on deputation to a non-government post,

(ii) in transit,

(iii) on leave, or

(iv) under suspension,

shall be deemed to be holding that absorbed post.

(2) If, on the appointed day, an absorbed employee is permanent in an absorbed post (hereinafter referred to as permanent post) and is holding another absorbed post on a temporary basis (hereinafter referred to as temporary post), his initial pay shall also be fixed in the permanent post in accordance with sub-rule (1) with reference to the pay he would have drawn in the permanent post immediately before the appointed day but for his appointment to the temporary post and he shall also be granted in the permanent post such personal pay as may be admissible under that sub-rule:

Provided that where both the permanent and temporary posts are in the same line of promotion immediately before the appointed day and carry the same revised scale of pay:—

(a) It shall not be necessary to fix the initial pay in the permanent post if the absorbed employee has continuously held the temporary post for

not less than one year immediately preceding the appointed day, and the pay as fixed in the temporary post shall be regarded as his substantive pay, and

(b) if the absorbed employee has continuously held the temporary post for less than one year on the appointed day, his pay in that post shall be regarded as his substantive pay on the expiry of a period of one year from the date his continuous appointment to the temporary post.

5. **Adjustment of personal pay.**—The personal pay granted under rule 4 shall continue to be drawn subject to its being absorbed against future increases in pay such as those accruing as a result of increments, promotions or grant of special pay:

Provided that where an absorbed employee has had no promotion at any time after the 19th December, 1961 and before the appointed day, the amount of personal pay that may be granted to him on promotion on the first occasion after the appointed day shall be so adjusted, where necessary, as to ensure that the increase in pay plus personal pay in the post to which he is promoted is not less than ten per cent of the pay plus personal pay admissible to him in the lower post at the time of the promotion.

Illustration.—If A whose pay has been fixed under rule 4 at Rs. 500 plus personal pay of Rs. 100 is promoted to a post carrying a minimum pay of Rs. 575, he will draw in that post Rs. 575 plus personal pay of Rs. 85 i.e. Rs. 660 in all if the proviso to this rule applies to him; otherwise the personal pay will be Rs. 25 by virtue of the substantive part of the rule.

6. **Leave.**—(1) As from the appointed day, an absorbed employee shall be subject to the Revised Leave Rules, 1933, as amended from time to time, and on that day his leave account shall be credited with earned leave as calculated under sub-rule (2):

Provided that where an absorbed employee is on sick leave, privilege leave or furlough on the appointed day the same having been granted before that day, the leave salary in respect of such leave shall be regulated in accordance with the law in force at the time the leave was granted and the privilege leave or furlough taken on or after the appointed day shall be debited to the leave account as earned leave but the sick leave so taken shall not be debited to that account.

Explanation.—The proviso to this rule shall not apply in respect of any extension of the leave sanctioned on or after the appointed day and such extension shall be regulated in accordance with the rules referred to above.

(2) Subject to a maximum of one hundred and eighty days, the following amount of earned leave shall be credited to the leave account of an absorbed employee:—

(a) the privilege leave due to an absorbed employee on the 1st January, 1966 plus the number of day of privilege leave in respect of the period commencing from the 1st January, 1966 and ending immediately before the appointed day reckoned at the rate of two and a half days for each month less the privilege leave availed of by the absorbed employee during that period, plus,

(b) three-fourths of the furlough leave calculated at the rate of eighteen days for each completed year of service rendered during the period commencing from the date the employee last returned from furlough and ending immediately before the appointed day:

Provided that any fraction which may appear in the aggregate of (a) and (b) shall be ignored if it is less than half and shall be taken as one day in other cases.

7. **Pension.**—(1) Every absorbed employee shall be subject to the pension rules contained in the Civil Services Regulations as applicable to persons who entered Goverment service on or after the 1st October, 1938, including the liberalised pension scheme sanctioned by the Government of India in the Ministry of Finance O.M. No. 3(1)-E(Spl.)47, dated the 17th April, 1950, as amended from time to time, and service rendered by such employee prior to the 20th December, 1961 under the Portuguese Administration of Goa, Daman and Diu, shall be deemed to be service under the Central Government for the purposes of the said Regulations and scheme.

(2) Notwithstanding anything contained in sub-rule (1) an absorbed employee shall, subject to his paying contributions to the pension fund as laid down in the Statute of Overseas Functionaries, as in force immediately before the appointed day, have the option to count his service under the Portuguese Administration of Goa, Daman and Diu prior to the 20th December 1961 and subsequent service under the Government for pension in accordance with that Statute and to draw pension calculated in accordance with articles 445 and 447 thereof instead of the pension as calculated under the Civil Service Regulations:

Provided that the pension which he may draw by virtue of such option shall not exceed the maximum pension which a functionary of Group D specified in proviso 1 of article 91 of that Statute could have drawn under that Statute.

Explanation I.—In the case of absorbed employee who have exercised their option under this sub-rule, the personal pay, if any, shall be deemed to be part of basic pay for determining the amount of pension.

Explanation II.—Contributions made by an absorbed employee towards any pension fund under the Statute of Overseas Functionaries or any orders relating to such contributions shall not be refunded to him irrespective of whether he exercised the option under this sub-rule or not.

(3) A person who has exercised the option under sub-rule (2) shall not be entitled to any gratuity, death-cum-retirement gratuity or family pension under the rules and order referred to in sub-rule (1) or to commute his pension but shall otherwise be governed by those rules and orders except in so far as they relate to counting of service for pension and determination of the amount of pension.

(4) For the purposes of reckoning service for pension under the rules and orders referred to in sub-rule (1), the leave availed of by an absorbed employee before the appointed day shall be treated as follows:—

(a) Sick leave—as duty.

(b) privilege leave and furlough—as earned leave.

(c) registered and unlimited leave—as extraordinary leave.

(5) The equation as provided in clauses (b) and (c) of sub-rule (4) shall apply in the case of a person who has availed of leave under the Revised Leave Rules, 1933, on or after the appointed day but counts his service under the Statute of Overseas Functionaries by virtue of the option under sub-rule (2). Any other kind of leave availed of by such a person on or after the appointed day shall count for the purpose of reckoning service for pension in accordance with such orders as the Central Government may make in his behalf.

8. **Retirement and Superannuation.**—In the matter of retirement and superannuation an absorbed employee shall be subject to the Central rules:

Provided that an absorbed employee who on the appointed day has attained the age of superannuation under the Central rules aforesaid shall be granted earned leave from that day equal to the amount of earned leave credited to his leave account under rule 6 and he shall retire from service on the expiry of such leave:

Provided further that the earned leave which may be granted under the preceding proviso shall not extend beyond the date on which the employee attains the age of 65 years.

9. **Travelling Allowance.**—An absorbed employee shall draw travelling allowance in accordance with the Central Rules.

10. **Other Allowances.**—(1) An absorbed employee shall have the option to draw either the family allowance and house rent allowance in accordance with the law in force immediately before the appointed day or to draw the allowances and concession specified in sub-rule (3).

(2) Where an absorbed employee opts for the family allowance and house rent allowance under sub-rule (1), the amount of any such allowance which he may draw on or after the appointed day shall not exceed the amount of that allowance drawn by him immediately before the appointed day. If such an employee was working on the appointed day in a post to which house-rent

allowance was specifically attached and he is transferred later to a post in which no house-rent allowance was allowed under the Portuguese rules, he shall not draw house-rent allowance even if it is admissible in the latter post under the Central Rules.

(3) An absorbed employee who does not opt for the family allowance and house-rent allowance under sub-rule (1) may draw dearness allowance, house-rent allowance, compensatory allowance, children's education allowance and re-imbursement of tution fees in accordance with the Central rules and may also avail of leave travel concession in accordance with the Central rules relating to that concession.

11. **Personal pay not to count as pay in certain cases.**—Personal pay granted under rule 4 shall be counted as pay for the purpose of determining the amount of leave salary and, to the extent permissible under the relevant rules and orders, for determining the amount of pension but shall not be treated as pay for the purposes of dearness allowance, overtime allowance, travelling allowance and other forms of compensatory allowances or for purposes of leave travel concession.

12. **Provident Fund.**—The Central rules relating to General Provident Fund shall apply to the absorbed employees who shall, as from the appointed day subscribe to the Fund in accordance with those rules.

13. **Other matters.**—The conditions of service of absorbed employees relating to matters for which no provision has been made in the foregoing rules shall be governed by the Central rules.

14. **Exercise of option.**—(1) The option under sub-rule (2) of rule 7 or sub-rule (1) of rule 10 shall be exercised in writing so as to reach the authority mentioned in sub-rule (2) within six months from the appointed day.

(2) The option shall be intimated by the absorbed employee, in such form as the Central Government may prescribe:

(a) if he is a gazetted Government servant, to his Accounts Officer; and
(b) if he is non-gazetted Government servant, to his Head of Office.

(3) The option once exercised shall be final.

15. **Regulation of pay in cases of promotions made before the appointed day.**—An absorbed employee promoted to a higher absorbed post on or after the 20th December, 1961 and before the appointed day shall be entitled to draw in the higher post only the basic pay of the post from which he is promoted plus a charge allowance of ten per cent of such basic pay until his pay is refixed in accordance with rule 4:

Provided that if at any time he drew pay in the higher post at a rate higher than that admissible under this rule the over payment made to him in respect of the period prior to the appointed day shall not be recovered.

16. **Daily rated staff.**—Rules 3, 4 and 5 shall apply to an absorbed employee who is in receipt of daily wages and is paid monthly immediately before the appointed day as they apply to other absorbed employee.

17. **Contract officers.**—An absorbed employee appointed under a contract shall continue to be governed by the terms of that contract until the expiry thereof, and if the employee remains in service after such expiry the foregoing rules shall apply to him as they generally apply to absorbed employees subject to the modification that the appointed day for the purpose shall mean the day immediately following the date of expiry of the contract.

18 **Employees of autonomous bodies.**—The provisions of these rules shall apply to persons who were in the service of the Corporations specified below immediately before the 20th day of December, 1961, and are serving on the appointed day either in connection with the administration of the Union Territory or in any of the Departments of the Central Government:—

1. Abastecimento de agua (Water Works).
2. Provedoria da Assistencia (Public Assistance Department).
3. Services Autonomous da Navegacao da India (Navigation Department).
4. Emisora de Goa (Radio).

5. Janta do Commercio Externo (Board of International Trade).

6. Correics telegrafos e telefones. (Post, Telegraph and Telephones).

19. **Disciplinary proceedings.**—Disciplinary proceedings pendings against an absorbed employee on the appointed day shall be continued and disposed of in accordance with the law under which they were started.

20. **Interpretation.**—If any question arises relating to the interpretation of these rules, it shall be referred for decision to the Central Government and thereupon the Central Government shall decide the same.

21. **Rules not to apply to certain categories of employees.**—Nothing in these rules shall apply to any person serving on the appointed day in any Defence or Railway Establishment.

[No. 1-2/64-Goa.]

A. D. PANDE, Jt. Secy.

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